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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/920,756
Filing Date: August 03, 2001
Appellant(s): IRWIN ET AL.

Peter H. Priest (Registration No.30,210)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/8/2008 and 6/12/2008 appealing from the Office action mailed 12/13/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,687,817	PAUL	2-2004
5,945,988	WILLIAMS	8-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul, US pat. No.6,687,817 in view of Williams et al, US pat. No.5,945,988.

As to claim 1, Paul discloses a computer-implemented method of configuring a point of sale (POS) terminal to execute a handheld platform operating software comprising the steps of:

reading generic configuration settings from a first local storage device and storing generic configuration settings in a memory (writing network configuration into a file on the first device such as laptop device, see fig.3, col.1 lines 32-55 and col.3 lines 19-46);

conducting an automated search for and retrieval of computer system specific settings by the terminal (generating a worldwide unique identifier placed in the configuration request for use in subsequent transmissions to the new device sending a

Art Unit: 2451

“configuration pending” message from the configuration device to mark the message for the new device, see col.3 line 29 to col.4 line 11), the automated search and retrieval comprising:

determining if first computer system-specific configuration settings are stored on a second local storage device (connecting the terminal and the storage device through a network to provide multicast messages, see fig.7, col.5 line 38 to col.6 line 28), if said first computer system-specific configuration settings are stored on said storage device, copying said first computer system-specific configuration settings to said memory (see col.3 line 47 to col.4 line 11);

determining if second computer system-specific configuration settings are stored on network devices accessed through a network; if said second computer system-specific configuration settings are stored on the network device, copying said second computer system-specific configuration settings to said memory, setting a boot status setting and rebooting said POS terminal to execute the handheld platform operating software according to computer specific configuration settings stored in said memory (see fig.4, col.4 lines 12-50 and col.5 lines 4-35).

Paul does not specifically disclose computer system specific configuration settings including at least one of brightness, volume, and energy saving settings and coupling by a bus to a processor in the terminal. However, Williams discloses computer system specific configuration settings including at least one of brightness, volume, and energy saving settings and coupling by a bus to a processor in the terminal (configures system configuration settings of system in accordance with the user preference information

Art Unit: 2451

found in the user profile corresponding to the identified user including volume and using system controller 500 includes high performance input/output (I/O) bus 506 and standard I/O bus 508, and host bridge 510 coupling processor 502 to high performance I/O bus 506, see abstract, figs.2, 5, col.5 line 30 to col.6 line 32 and col.11 line 45 to col.12 line 61). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Williams's teachings into the computer system of Paul to update user preference data information because it would have enabled users to monitor and update a wide range of configurable options in a profile database and configured to control each of the entertainment system components of system in a communications network (see Williams' col.5 lines 8-28).

As to claim 2, Paul discloses the second computer system specific configuration settings include at least one of first computer system specific configuration settings (see col.6 lines 1-46).

As to claim 3, Paul discloses the configuration settings identify configuration settings to be stored (see col.5 lines 3-67).

As to claim 4, Paul discloses a computer-implemented method of configuring a POS terminal to execute a handheld platform operating software comprising the steps of:

Art Unit: 2451

reading generic configuration settings from a first local storage device and storing generic configuration settings in a memory (writing network configuration into a file on the first device, see fig.3, col.1 lines 40-55 and col.3 lines 19-46);

conducting an automated search for and retrieval of computer system specific settings by the terminal (generating a worldwide unique identifier placed in the configuration request for use in subsequent transmissions to the new device and sending a "configuration pending" message from the configuration device to mark the message for the device, see col.3 line 29 to col.4 line 11), the automated search and retrieval comprising:

determining if first computer system-specific configuration settings are stored on a second local storage device (connecting the terminal and the storage device through a network to provide multicast messages, see fig.7, col.3 line 47 to col.4 line 11 and col.5 line 38 to col.6 line 28 and col.3 line 47 to col.4 line 11);

if said first computer system-specific configuration settings are stored on said storage device, copying said first computer system-specific configuration settings to said memory, setting a boot status setting and rebooting said POS terminal to execute the handheld platform operating software according to computer specific configuration settings stored in said memory (see fig.4, col.4 lines 12-50 and col.5 lines 4-35).

Paul does not specifically disclose computer system specific configuration settings including at least one of brightness, volume, and energy saving settings and coupling by a bus to a processor in the terminal. However, Williams discloses computer system

Art Unit: 2451

specific configuration settings including at least one of brightness, volume, and energy saving settings and coupling by a bus to a processor in the terminal (configures system configuration settings of system in accordance with the user preference information found in the user profile corresponding to the identified user including volume and using system controller 500 includes high performance input/output (I/O) bus 506 and standard I/O bus 508, and host bridge 510 coupling processor 502 to high performance I/O bus 506,, see abstract, figs.2, 5, col.5 line 30 to col.6 line 32 and col.11 line 45 to col.12 line 61). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Williams's teachings into the computer system of Paul to update user preference data information because it would have enabled users to monitor and update a wide range of configurable options in a profile database and configured to control each of the entertainment system components of system in a communications network (see Williams' col.5 lines 8-28).

As to claim 5, Paul discloses a computer implemented method of configuring a POS terminal to execute a handheld platform operating software comprising the steps of:

- reading generic configuration settings from a storage device and storing generic configuration settings in a memory (writing network configuration into a file on the first device such as laptop device, see fig.3, col.1 lines 32-55 and col.3 lines 19-46);

- conducting an automated search for and retrieval of computer system specific settings by the terminal (generating a worldwide unique identifier placed in the configuration request for use in subsequent transmissions to the new device sending a

Art Unit: 2451

“configuration pending” message from the configuration device to mark the message for the device, see col.3 line 29 to col.4 line 11), the automated search and retrieval comprising:

determining if a connection is available to the terminal; if a network connection is available, determining if second computer system-specific configuration settings are stored on a network device, transmitting a request directed to a specifically identified device on which the settings are stored to obtain the second computer specific configuration settings (connecting the terminal and the storage device through a network to provide multicast and configuration setting messages, see fig.7, col.3 line 47 to col.4 line 11 and col.5 line 38 to col.6 line 28);

if said second computer system-specific configuration settings are stored on a network, copying said second computer system-specific configuration settings to said memory, setting a boot status setting and rebooting said POS terminal to execute the handheld platform operating software according to computer specific configuration settings stored in said memory (see fig.4, col.4 lines 12-50 and col.5 lines 4-35).

Paul does not specifically disclose computer system specific configuration settings including at least one of brightness, volume, and energy saving settings. However, Williams discloses computer system specific configuration settings including at least one of brightness, volume, and energy saving settings (configures system configuration settings of system in accordance with the user preference information found in the user profile corresponding to the identified user including volume, see abstract, fig.2, col.5 line 30 to col.6 line 32). It would have been obvious to one of the ordinary skill in the art

Art Unit: 2451

at the time the invention was made to implement Williams's teachings into the computer system of Paul to update user preference data information because it would have enabled users to monitor and update a wide range of configurable options in a profile database in a communications network (see Williams' col.5 lines 8-28).

As to claim 6, Paul discloses a computer implemented comprising the steps of:

loading generic configuration settings, conducting an automated search for and retrieval of computer system specific settings (generating a worldwide unique identifier placed in the configuration request for use in subsequent transmissions to the new device sending a "configuration pending" message from the configuration device to mark the message for the device, see col.3 line 29 to col.4 line 11), the automated search including determining whether the terminal is connected to a storage device accessible to the terminal through a direct connection between the terminal and the storage device (connecting the terminal and the storage device through a network to provide multicast and configuration messages, see fig.7, col.5 line 38 to col.6 line 28);

and method of configuring a computer system loading computer system-specific configuration settings executing handheld platform operating software (writing network configuration into a file on the first device, see fig.3, col.1 lines 32-55 and col.3 lines 19-46); and

rebooting the POS terminal to execute the handheld platform operating software according to the loaded computer computer-specific configuration settings (see fig.4, col.4 lines 12-50 and col.5 lines 4-35).

Art Unit: 2451

Paul does not specifically disclose computer system specific configuration settings including at least one of brightness, volume, and energy saving settings and coupling by a bus to a processor in the terminal. However, Williams discloses computer system specific configuration settings including at least one of brightness, volume, and energy saving settings and coupling by a bus to a processor in the terminal (configures system configuration settings of system in accordance with the user preference information found in the user profile corresponding to the identified user including volume and using system controller 500 includes high performance input/output (I/O) bus 506 and standard I/O bus 508, and host bridge 510 coupling processor 502 to high performance I/O bus 506,, see abstract, figs.2, 5, col.5 line 30 to col.6 line 32 and col.11 line 45 to col.12 line 61). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Williams's teachings into the computer system of Paul to update user preference data information because it would have enabled users to monitor and update a wide range of configurable options in a profile database and configured to control each of the entertainment system components of system in a communications network (see Williams' col.5 lines 8-28).

As to claim 7, Paul discloses system-specific configuration settings are read from a storage device accessed over a network (see col.3 line 47 to col.4 line 11).

Art Unit: 2451

As to claim 8, Paul discloses computer system-specific configuration settings are read from a storage device and loading computer system-specific configuration settings from a network device accessed over a network (see fig.4, col.4 lines 12-50).

As to claim 9, Paul discloses computer system-specific configuration settings from the network (see col.5 lines 3-38).

As to claim 10, Williams discloses configuration settings including at least one of: color depth, peripheral device, delay period, communication port and baud rate settings for the POS terminal (see col.7 line 42 to col.8 line 48). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Williams's teachings into the computer system of Paul to update user preference data information because it would have enabled users to monitor and update a wide range of configurable options in a profile database in a communications network.

Claim 11 is rejected for the same reasons set forth in claim 3.

As to claim 17, Paul discloses a computer-implemented method of storing configuration settings of a POS terminal to executing a handheld platform operating software comprising the steps of:

performing an automated search by the terminal to determine if a storage device is connected to the POS terminal to executing a handheld platform operating software

Art Unit: 2451

(writing network configuration into a file on the first network device, see fig.3, col.1 lines 32-55 and col.3 line 19 to col.4 line 11) (connecting the terminal and the storage device through a network to provide multicast and configuration messages, see fig.7, col.5 line 38 to col.6 line 28);

if the storage device is connected to the computer system, storing computer system-specific configuration settings to the storage device (see col.3 line 47 to col.4 line 11);

performing an automated search by the terminal to determine if the computer system is connected to a network connection having a computer system; and if the network connection having a computer system is connected to the POS terminal, storing computer system-specific configuration settings to the computer system (see fig.4, col.4 lines 12-50 and col.5 lines 4-35).

Paul does not specifically disclose computer system specific configuration settings including at least one of brightness, volume, and energy saving settings and coupling by a bus to a processor in the terminal. However, Williams discloses computer system specific configuration settings including at least one of brightness, volume, and energy saving settings and coupling by a bus to a processor in the terminal (configures system configuration settings of system in accordance with the user preference information found in the user profile corresponding to the identified user including volume and using system controller 500 includes high performance input/output (I/O) bus 506 and standard I/O bus 508, and host bridge 510 coupling processor 502 to high performance I/O bus 506,, see abstract, figs.2, 5, col.5 line 30 to col.6 line 32 and col.11 line 45 to

Art Unit: 2451

col.12 line 61). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Williams's teachings into the computer system of Paul to update user preference data information because it would have enabled users to monitor and update a wide range of configurable options in a profile database and configured to control each of the entertainment system components of system in a communications network (see Williams' col.5 lines 8-28).

As to claim 18, Paul discloses a computer implemented method of storing configuration settings of a POS terminal comprising the steps of:

receiving a specified event at the POS terminal and performing an automated search by the POS terminal for computer specific configuration settings (generating a worldwide unique identifier placed in the configuration request for use in subsequent transmissions to the new device sending a "configuration pending" message from the configuration device to mark the message for the device, see col.3 line 29 to col.4 line 11), the search including determining if computer system specific configuration settings are available for retrieval from a storage device (writing network configuration into a file on the first network device, see fig.3, col.1 lines 32-55 and col.3 lines 19-46 and col.5 line 38 to col.6 line 28); and

if computer system specific configuration settings are available for retrieval from a storage device connected to the POS terminal, storing computer system-specific configuration settings to the POS terminal (see col.3 line 47 to col.4 line 11).

Art Unit: 2451

Paul does not specifically disclose computer system specific configuration settings including at least one of brightness, volume, and energy saving settings and coupling by a bus to a processor in the terminal. However, Williams discloses computer system specific configuration settings including at least one of brightness, volume, and energy saving settings and coupling by a bus to a processor in the terminal (configures system configuration settings of system in accordance with the user preference information found in the user profile corresponding to the identified user including volume and using system controller 500 includes high performance input/output (I/O) bus 506 and standard I/O bus 508, and host bridge 510 coupling processor 502 to high performance I/O bus 506,, see abstract, figs.2, 5, col.5 line 30 to col.6 line 32 and col.11 line 45 to col.12 line 61). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Williams's teachings into the computer system of Paul to update user preference data information because it would have enabled users to monitor and update a wide range of configurable options in a profile database and configured to control each of the entertainment system components of system in a communications network(see Williams' col.5 lines 8-28) .

As to claim 19, Paul discloses specified event includes at least one of expiration of a delay period and computer system shutdown (see col.5 lines 3-67).

As to claim 20, Paul discloses a computer implemented method of storing configuration settings of a POS terminal comprising the steps of:

receiving a specified event at the POS terminal (writing network configuration into a file on the first device, see fig.3, col.1 lines 40-55 and col.3 lines 19-46);

performing an automated search by the POS terminal for computer specific configuration settings (generating a worldwide unique identifier placed in the configuration request for use in subsequent transmissions to the new device sending a "configuration pending" message from the configuration device to mark the message for the device, see col.3 line 29 to col.4 line 11), the search including determining if the POS terminal executing handheld platform operating software is connected to a network connection having a computer system and if the POS terminal is connected through a network connection, determining if computer system specific configuration settings are available for retrieval from a specifically identified storage device through the network and transmitting a request directed to a specifically identified device on which the settings are stored to obtain the second computer specific configuration settings (connecting the terminal and the storage device through a network to provide multicast and configuration setting messages, see fig.7, see col.3 line 47 to col.4 line 11 and col.5 line 38 to col.6 line 28); and

if the POS terminal executing a handheld platform operating software is connected to the network connection having a computer system and computer system specific configuration settings are available for retrieval through the network and upon obtaining the computer system-specific configuration settings and storing computer system-specific configuration settings to the POS terminal (connecting the terminal and

Art Unit: 2451

the storage device through a network to provide multicast and configuration setting messages, see fig.7, col.3 line 47 to col.4 line 11 and col.5 line 38 to col.6 line 28). Paul does not specifically disclose computer system specific configuration settings including at least one of brightness, volume, and energy saving settings. However, Williams discloses computer system specific configuration settings including at least one of brightness, volume, and energy saving settings (configures system configuration settings of system in accordance with the user preference information found in the user profile corresponding to the identified user including volume, see abstract, fig.2, col.5 line 30 to col.6 line 32). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Williams's teachings into the computer system of Paul to update user preference data information because it would have enabled users to monitor and update a wide range of configurable options in a profile database in a communications network (see Williams' col.5 lines 8-28).

As to claim 21, Paul discloses that specified event includes at least one of expiration of a delay period and computer system shutdown (see col.5 lines 3-67).

Claim 22 is rejected for the same reasons set forth in claim 18.

As to claim 23, Paul discloses sequences of instructions which, when executed by said processor, cause said processor to determine if the POS terminal is connected to a network connection having a computer system providing access to computer system

Art Unit: 2451

specific configuration settings and if the POS terminal is connected to the network connection having a computer system providing access to computer system specific configuration settings, store the computer system-specific configuration settings to the computer system (see fig.4, col.4 lines 12-50 and col.5 lines 4-35).

(10) Response to Argument

1) For claim 1:

- Appellant asserts that there is an impermissible hindsight in combining the references.

Examiner respectfully disagrees. In response to appellant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

- For claim 1, Appellant asserts that the cited references do not disclose reading generic configuration settings from a first local storage device,

Art Unit: 2451

determining if first computer system-specific configuration settings are stored on a second storage device coupled by a bus to a processor in the terminal, Copying the system settings if they are present, determining if second computer settings are stored on a network, and copying the second computer settings if they are stored on the network.

Examiner respectfully point out that Paul discloses Appellant's invention. Paul disclose a method of configuring a new network device via a network. Specifically, Paul disclose a reading generic configuration settings from a first local storage device (*generating a worldwide unique identifier placed in the configuration request for use in subsequent transmissions to the new device sending a "configuration pending" message from the configuration device to mark the message for the new device, see col.3 line 29 to col.4 line 11*), determining if first computer system-specific configuration settings (*new device's configurations*) are stored on a second storage device (*using the configuration computer 300 fig.3 for processing configuration settings stored by a external source*), copying the system settings if they are present (*sending configuration data to the new device if the configuration is matched*), determining if second computer settings are stored on a network, and copying the second computer settings if they are stored on the network [*configuring network settings by the operating system of a new device (320 fig.3) to be added to a network by sending a "configuration request" to the configuration computer (300 fig.3). The configuration computer generates and sends configuration data to the new device via multicast , see fig.3, col.3 line 19 to ocl.4 line*

Art Unit: 2451

11]. Paul does not specifically disclose coupling by a bus to a processor in the terminal. However, Williams discloses coupling by a bus to a processor in the terminal (configures system configuration settings of system in accordance with the user preference information found in the user profile corresponding to the identified user including volume and using system controller 500 includes high performance input/output (I/O) bus 506 and standard I/O bus 508, and host bridge 510 coupling processor 502 to high performance I/O bus 506,, see abstract, figs.2, 5, col.5 line 30 to col.6 line 32 and col.11 line 45 to col.12 line 61). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Williams's teachings into the computer system of Paul to update user preference data information because it would have enabled users to monitor and update a wide range of configurable options in a profile database and configured to control each of the entertainment system components of system in a communications network(see Williams' col.5 lines 8-28) .

- Appellants further asserts that the combination of cited references does not disclose the Appellant's claimed invention.

Examiner respectfully point out that the combination of Paul and Williams discloses the

Appellant's claimed invention. For example, Paul discloses the Appellant' invention except computer system specific configuration settings including at least one of brightness, volume, and energy saving settings and coupling by a

Art Unit: 2451

bus to a processor in the terminal. However, Williams discloses computer system specific configuration settings including at least one of brightness, volume, and energy saving settings and coupling by a bus to a processor in the terminal (configures system configuration settings of system in accordance with the user preference information found in the user profile corresponding to the identified user including volume and using system controller 500 includes high performance input/output (I/O) bus 506 and standard I/O bus 508, and host bridge 510 coupling processor 502 to high performance I/O bus 506,, see abstract, figs.2, 5, col.5 line 30 to col.6 line 32 and col.11 line 45 to col.12 line 61). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Williams's teachings into the computer system of Paul to update user preference data information because it would have enabled users to monitor and update a wide range of configurable options in a profile database and configured to control each of the entertainment system components of system in a communications network (see Williams' col.5 lines 8-28). Both cited references discloses processing user's preference or configuration in a communication network. The motivation to combine the references was properly disclosed in the secondary reference (Williams). Therefore, the claims are properly rejected.

2) For claim 4:

Art Unit: 2451

Appellants' arguments are the same as in claim 1. Please see claim 1 response above.

3) For claim 5:

Appellants' arguments are the same as in claim 1. Please see claim 1 response above.

- Additionally, Appellant asserts that Williams does not disclose requesting data from a specifically identified device over a network.

Examiner does not cite the Williams' reference for teaching the limitation.

Instead, Examiner respectfully point out that Paul discloses requesting data from a specifically identified device over a network (*sending a "configuration pending" message from the configuration device to mark the message for the new device, see col.3 line 29 to col.4 line 11*).

4) For claim 6:

Appellants' arguments are the same as in claim 1. Please see claim 1 response above.

5) For claim 17:

Appellants' arguments are the same as in claim 1. Please see claim 1 response above.

6) For claim 18:

Appellants' arguments are the same as in claim 1. Please see claim 1 response above.

7) For claim 20:

Appellants' arguments are the same as in claim 1. Please see claim 1 response above.

8) For claim 22:

Appellants' arguments are the same as in claim 1. Please see claim 1 response above.

9) Appellant asserts that the references diverges and teaches away from the claimed invention and the Examiner has not read the claims as a whole.

Examiner respectfully disagrees. Examiner respectfully point out that the combination of cited references discloses the Appellant's claimed invention with proper motivation (as above responses). The Appellant's arguments are fully considered but they are found not persuasive. Therefore, the claims are properly rejected.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Khanh Q Dinh/

Primary Examiner, Art Unit 2451

Conferees:

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446

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Supervisory Patent Examiner, Art Unit 2451

Application/Control Number: 09/920,756
Art Unit: 2451

Page 24